

12-10-01

LMC:ejv 12/5/01 84366.doc  
 Attorney Reference Number 3533-61755  
 PATENT

EXPRESS MAIL LABEL NO. EL584430178US  
 DATE OF DEPOSIT: November 27, 2001

10/010531  
 10/50/21  
 12/05/01

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION  
 COMMISSIONER FOR PATENTS  
 WASHINGTON, D.C. 20231

**Transmitted herewith for filing is the divisional patent application of:**

**Inventor(s):** Anup Sircar

**For:** LOW-BORON GLASS FIBERS AND GLASS COMPOSITIONS FOR MAKING THE SAME

**Enclosed are:**

- ☒ 16 pages of specification, 5 pages of claims, and an abstract
- ☒ An Oath or Declaration
  - ☒ A copy of oath or declaration filed with the prior application (37 C.F.R. § 1.63(d))
  - ☒ A copy of Supplementary Declaration by Assignee on Behalf of Inventor Who Refuses to Sign Declaration (37 C.F.R. § 1.47(b) filed with the prior application.
  - ☒ A copy of Notice of Grant of Petition under 37 C.F.R. § 1.47(b) filed September 5, 2000.
- ☒ Preliminary Amendment

**Continuing Application:**

- ☐ Continuation
- ☒ Divisional
- ☐ Continuation-in-part (CIP)

**Information from Prior Application:**

Prior Application Number: 09/533,385  
 Examiner: K. Group  
 Art Unit: 1755

- ☒ Please enter the preliminary amendment prior to calculation of fees. The fee has been calculated as shown in the table below.

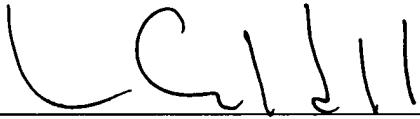
FILING FEE					
For	Claims Filed	Number Allotted	Number Extra	Rate	Basic Fee
Total Claims	10	20	= 0	\$9.00	\$ 0.00
Independent Claims	3	3	= 0	\$42.00	\$ 0.00
Multiple Dependent Claim Fee				\$140.00	
TOTAL FILING FEE					\$370.00

- ☒ Small entity status is claimed for this application.
- ☒ A check in the amount of \$370.00 to cover ☒ filing fee and ☐ assignment recordal fee is enclosed.

- ☒ Assignee for this application is or will be Evanite Fiber Corporation, and applicant requests that this information be listed on the published application.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
- ☒ The Director is hereby authorized to charge any additional fees which may be required in connection with the filing of this application and recording any assignment filed herewith, or credit over-payment, to Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By   
Lisa M. Caldwell  
Registration No. 41,653

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile: (503) 228-9446

cc: Docketing

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EVANITE

TEL: 541 753 0343

P. 010

LMC:cjv 08/28/00 3533-53818 15136

PATENT  
Attorney's Matter No. 3533-53818

1c978 U.S. PRO  
10/010531

12/05/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 1731

In re Application of:

Anup Sircar

Application No. 09/533,385

Filed: March 22, 2000

For: LOW-BORON GLASS FIBERS AND  
GLASS COMPOSITIONS FOR  
MAKING THE SAME

Examiner:

Date: August 28, 2000

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on 9/11/00 as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

\_\_\_\_\_  
Attorney for Applicant

**PETITION UNDER 37 C.F.R. § 1.47(b) AND STATEMENT OF FACTS IN  
SUPPORT OF FILING ON BEHALF OF NON-SIGNING INVENTOR ANUP SIRCAR**

TO THE COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

This petition and statement of facts are made as to the exact facts that are relied upon to establish that diligent effort has been made to secure the execution of the declaration by the non-signing inventor Anup Sircar (inventor who refuses to sign) for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

This statement is made by the available person having first-hand knowledge of the facts recited therein.

**IDENTIFICATION OF PERSONS MAKING THIS STATEMENT OF FACTS**

TM Singh  
Evanite Fiber Corporation  
1115 SE Crystal Lake Drive  
PO Box E  
Corvallis, Oregon 97339-0598

**LAST KNOWN ADDRESS OF THE NON-SIGNING INVENTOR**

Anup Sircar  
2563 NW Kinderman Dr.  
Corvallis, Oregon 97330



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

Paper No. 5

KLARQUIST SPARKMAN CAMPBELL  
LEIGH & WHINSTON, LLP  
ONE WORLD TRADE CENTER, SUITE 1600  
121 S.W. SALMON STREET  
PORTLAND, OR 97204-2988

**COPY MAILED**

**JAN 19 2001**

**OFFICE OF PETITIONS  
A/C PATENTS**



In re Application of :  
Anup Sircar :  
Application No. 09/533,385 : DECISION ACCORDING STATUS  
Filed: March 22, 2000 : UNDER 37 CFR 1.47(b)  
Attorney Docket No. 3533-53818 :

This is in response to the "Petition Under 37 CFR 1.47(b)," filed September 5, 2000.

The petition is granted.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(b), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Karen Creasy at (703) 305-8859.

This application is being forwarded to Technology Center 1700 for further examination in due course.

*Frances Hicks*

Frances Hicks  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

WD  
K

**RECORDATION FORM COVER SHEET**  
**PATENTS ONLY**

To the Director of Patents and Trademarks. Please record the attached original documents or copy thereof.

## 1. Name of Conveying Party(ies):

Anup Sircar

Additional name(s) of conveying party(ies) attached? ☐ YES ☒ NO

## 2. Name and address of receiving party(ies):

Name: Evanite Fiber Corporation

Internal Address: \_\_\_\_\_

## 3. Nature of Conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other \_\_\_\_\_

Street Address: 1115 SE Crystal Lake Drive

Execution Date: April 13, 1998

City Corvallis State OR ZIP 97339

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date  
of the application is: \_\_\_\_\_

## A. Patent Application No.(s)

09/533,385

## B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No5. Name and address of party to whom correspondence  
concerning document should be mailed:

Name: Lisa M. Caldwell

Klarquist Sparkman Campbell Leigh &amp; Whinston, LLP

Internal Address:

One World Trade Center, Suite 1600

Street Address:

121 S.W. Salmon Street

Portland, Oregon 97204-2988

## 6. Total number of applications and patents involved: 1

## 7. Total fee (37 C.F.R. § 3.41): \$40.00 Enclosed

8. ☒ Any deficiency/overpayment is authorized to be  
charged to deposit account 02-4550**DO NOT USE THIS SPACE**

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of  
the original document.*

Lisa M. Caldwell

Signature

Date

Name of Person Signing

Total number of pages including cover sheet, attachments and document: 7

# INVENTION DISCLOSURE FORM

Sheet 1 of 4

1. TITLE OF INVENTION: BORIC OXIDE FREE GLASS FIBER COMPOSITION AND USE

2. INVENTOR(S):

Name: ANUP SIRCAR  
Address: 2563 N.W. KINDERMAN DR  
CORVALLIS, OREGON 97330

Payroll Code: \_\_\_\_\_  
Citizen of: USA

Extension: 346

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Payroll Code: \_\_\_\_\_  
Citizen of: \_\_\_\_\_

Extension: \_\_\_\_\_

Additional inventors:



## PROOF OF CONCEPTION

- A. By whom was first drawing made? ANUP SIRCAR Date MARCH 96  
Location of first drawing Office
- B. By whom was first description written? ANUP SIRCAR Date APRIL 96  
Location of first description \_\_\_\_\_
- C. To whom was invention first disclosed? T.M. SINGH Date APRIL 96

## 4. REDUCTION TO PRACTICE

- A. Was a device embodying the invention constructed and tested or the process practiced? Yes (X) No ( )
- B. By whom was the device constructed and tested or the process practiced? ANUP SIRCAR  
Date Started APRIL/MAY 96 Date Completed NOT YET COMPLETED
- C. Present location of documents, including photographs, drawings, and data sheets showing reduction to practice: OFFICE AT EVANITE

EXHIBIT

A

10010531-120501

INVENTION DISCLOSURE FORM

Sheet 2 of 4

5. WORK ASSIGNMENT

- A. Indicate by account number and title project(s) to which time was charged in the development of the invention.

Account No. \_\_\_\_\_ Project Name \_\_\_\_\_

Account No. \_\_\_\_\_ Project Name \_\_\_\_\_

- B. Was the invention developed under a government contract? Yes ( )  
No (x). Contract No. \_\_\_\_\_

6. PUBLIC DISCLOSURE

- A. Has the invention been publicly disclosed in a printed publication? Yes ( ) No (x) Publication \_\_\_\_\_  
Date \_\_\_\_\_

- B. Has the invention been publicly disclosed in any other way such as, for example, in a presentation, at a conference, or in a demonstration? Yes ( ) No (x) If so, when and where? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- C. If the invention has not been publicly disclosed, is public disclosure of it planned? Yes (x) No ( ) If so, when and where? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- D. Are there any related invention disclosures or patent applications? Yes ( ) No (x) If so, please elaborate. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. SALE

- A. Has a product embodying the invention or made by the invention been sold or offered for sale? Yes (x) No ( ) If so, when? \_\_\_\_\_  
\_\_\_\_\_

- B. If a product embodying the invention or made by the invention has not been sold or offered for sale, are there plans to sell or offer for sale such a product? Yes ( ) No ( ) If so, what is the planned date of sale or offer for sale? \_\_\_\_\_  
\_\_\_\_\_

NOTE

10010531-120501

INVENTION DISCLOSURE FORM

Sheet 3 of 4

8. SUMMARY OF THE INVENTION

- A. Give a brief description of the invention, particularly pointing out the feature(s) believed to be new.

SEE ATTACHED DISCLOSURE STATEMENT

- B. Explain the purpose and advantages of the invention. What benefit does it provide and/or what problem does it solve?

SEE ATTACHED DISCLOSURE STATEMENT

- C. Describe or identify the prior art known to you which is improved upon or displaced by the invention.

NO EXACT PRIOR ART FOR THIS COMPOSITION AND USE

10010531-120501



INVENTION DISCLOSURE FORM

Sheet 4 of 4

9. DETAILED DESCRIPTION OF THE INVENTION

- A. Describe the invention in detail using additional sheets as necessary. Be sure that each additional sheet is signed and dated by each inventor and two witnesses. The description should include at least one drawing or sketch. If the invention has been tested, briefly summarize the results which confirm the functions and advantages listed in Section 8B above. Append any reports or other material which would help to describe the invention.

SEE SHEET APPENDED

1.0010531.120501

Anup Suber 3/2/98  
signature inventor date

\_\_\_\_\_  
signature inventor date

Read and understood by:

Tulsi 3/2/98  
signature witness date

\_\_\_\_\_  
signature witness date

1115 S.E. Crystal Lake Drive  
Post Office Box E  
Corvallis, Oregon  
97339-0598

(541) 753-0388 Fax  
(541) 753-1211 Phone



March 24, 2000

*Return Receipt  
Requested*

Dr. Anup Sircar  
SGR, Inc.  
2563 NW Kinderman Drive  
Corvallis OR 97330

Dear Dr. Sircar,

RE: Patent Application: *Low Boron Glass Fiber Composition and Glass Composition for Making Same*

Thanks for reviewing the final draft of the patent application referred to above. Per my earlier letter of March 20, 2000 and your fax of March 20, 2000, we hope your attorney had a chance to review the *Combined Declaration and Power of Attorney for Patent Application* by now.

As requested earlier, please forward it to us duly signed and dated by you in blue ink as soon as possible.

We are providing another copy of the Combined Declaration in case you have forwarded the original one to your attorney.

Sincerely,

T. M. Singh  
Director of Technology

Attachment

c: Tony Gaetz

EXHIBIT

A

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PATENT

Attorney's Matter N . 3533-53818

5. The inventor Anup Sircar never returned the declaration nor responded to TM Singh's telephone call.

Date:

8/29/00T. M. Singh

TM Singh

Director of Technology

Evanite Fiber Corporation

10040531-120501  
TOSOT-TELEFOT

I.MC:ejv 08/28/00 3533-53818 15136

PATENT  
Attorney's Matter No. 3533-53818**FACTS ESTABLISHING ASSIGNEE'S (EVANITE FIBER CORPORATION'S) PROPRIETARY INTEREST IN THE APPLICATION**

1. On April 13, 1998, the non-signing inventor, Anup Sircar, assigned all of his rights, title, and interest in the subject application to Evanite Fiber Corporation (**Exhibit A**).
2. On <sup>Tu</sup>April <sup>Tu</sup>14, 1998, inventor Anup Sircar terminated his employment with Assignee, Evanite Fiber Corporation.

**DETAILS OF EFFORTS TO OBTAIN  
NON-SIGNING INVENTOR ANUP SIRCAR'S SIGNATURE**

1. On or about March 17, 2000, TM Singh, Director of Technology of Evanite Fiber Corporation (the Assignee of the subject patent application), telephoned and spoke to inventor Anup Sircar. TM Singh informed the inventor that he was forwarding a copy of the subject application and a Declaration for review and execution, respectively. The inventor Anup Sircar responded with the comment to send the papers and that he would "see what he needed to do."
2. On or about March 24, 2000, TM Singh mailed (via U.S. Mail, Return Receipt Requested) a letter to the inventor Anup Sircar requesting review of the enclosed application and execution of the enclosed declaration (**Exhibit B**).
3. On or about March 27, 2000, TM Singh received from the U.S. Post Office a Return Receipt having inventor Anup Sircar's signature indicating that the inventor Anup Sircar received the letter, application, and declaration on March 25, 2000 (**Exhibit C**).
4. On or about March 31, 2000, TM Singh telephoned inventor Anup Sircar to inquire as to whether the inventor intended to execute and return the declaration for the subject application. The inventor was not available; TM Singh left a message on the inventor's voice mail requesting that inventor please sign and return the declaration.

100-53818-15136

Fold along this line

Save this receipt and

Stick postage stamp  
charges for any sales  
1. If you want this receipt  
address leaving the  
window or hand it to your  
2. If you do not want  
return address of the sender  
3. If you want a return  
on a return receipt card  
guaranteed ends if space  
RETURN RECEIPT RETURN  
4. If you want delivery  
addressee, endorse this  
5. Enter fees for this  
receipt. If return receipt  
is required, enter return  
address of the sender

1. Article Addressed to:

DR. A. SIRCAR  
2563 NW  
KINDERMAN DR.  
CORVALLIS OR  
97330

2. Article Number (Copy from service label)

P-280-895-451

PS Form 3811, July 1999

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

3/25/00

C. Signature

X Anup Sircar

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SCANNED, # 2

EXHIBIT

B

## A S S I G N M E N T

WHEREAS, I, Anup Sircar, of Corvallis, County of Benton, State of Oregon, have invented a certain invention (disclosure attached hereto as Exhibit A), entitled BORIC OXIDE FREE GLASS FIBER COMPOSITION AND USE, for which an application for Letters Patent of the United States is being made; and

WHEREAS, Evanite Fiber Corporation, a corporation organized under the laws of the State of Oregon, having a place of business at 1115 S.E. Crystal Lake Drive, Corvallis, Oregon 97339, is desirous of acquiring an interest therein:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, I, Anup Sircar, hereby sell, assign and transfer to Evanite Fiber Corporation, the full and exclusive right, title and interest in and to said invention, patent application and patent rights throughout the world, including foreign patent priority rights, the right to file and prosecute International Applications under the Patent Cooperation Treaty, and the right to file and prosecute applications under the European Patent Convention; said invention, application and letters patent in this or any foreign country, and all divisions, continuations, reissues and extensions thereof, to be held and enjoyed by Evanite Fiber Corporation, for its own use and benefit, and for its successors and assigns to the full end of the term for which letters patent may be granted in this or any foreign country, as fully and

EXHIBIT

C

10010531-120501

entirely as the same would have been held by me had this assignment and sale not been made, and covenant that I have full right so to do, and agree that I will communicate to Evanite Fiber Corporation, or its successors and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths, and do everything possible to aid Evanite Fiber Corporation, its successors and assigns to obtain and enforce proper patent protection for said invention in this or any foreign country.

Executed at Corvallis, State of Oregon, this 13<sup>th</sup> day of April, 1998.

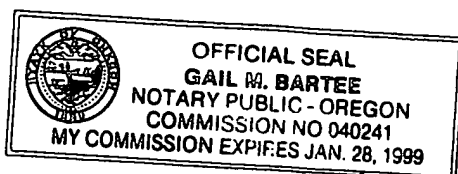
Anup Sircar  
Anup Sircar

STATE OF Oregon       )  
                              )   ss.  
COUNTY OF Benton    )

This 13<sup>th</sup> day of April, 1998, before me personally came the above-named Anup Sircar, who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

Gail M. Bartee  
Notary Public for  
My commission expires:

[SEAL]



10010531-120501

## A S S I G N M E N T

WHEREAS, I, Anup Sircar, of Corvallis, County of Benton, State of Oregon, have invented a certain invention (disclosure attached hereto as Exhibit A), entitled BORIC OXIDE FREE GLASS FIBER COMPOSITION AND USE, for which an application for Letters Patent of the United States is being made; and

WHEREAS, Evanite Fiber Corporation, a corporation organized under the laws of the State of Oregon, having a place of business at 1115 S.E. Crystal Lake Drive, Corvallis, Oregon 97339, is desirous of acquiring an interest therein:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, I, Anup Sircar, hereby sell, assign and transfer to Evanite Fiber Corporation, the full and exclusive right, title and interest in and to said invention, patent application and patent rights throughout the world, including foreign patent priority rights, the right to file and prosecute International Applications under the Patent Cooperation Treaty, and the right to file and prosecute applications under the European Patent Convention; said invention, application and letters patent in this or any foreign country, and all divisions, continuations, reissues and extensions thereof, to be held and enjoyed by Evanite Fiber Corporation, for its own use and benefit, and for its successors and assigns to the full end of the term for which letters patent may be granted in this or any foreign country, as fully and

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entirely as the same would have been held by me had this assignment and sale not been made, and covenant that I have full right so to do, and agree that I will communicate to Evanite Fiber Corporation, or its successors and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths, and do everything possible to aid Evanite Fiber Corporation, its successors and assigns to obtain and enforce proper patent protection for said invention in this or any foreign country.

Executed at Corvallis, State of Oregon, this 13<sup>th</sup> day of April, 1998.

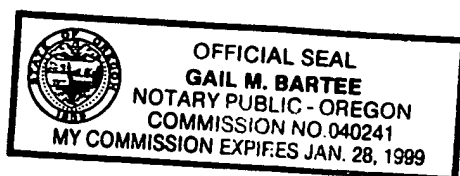
Anup Sircar  
Anup Sircar

STATE OF Oregon       )  
                              )   ss.  
COUNTY OF Benton    )

This 13<sup>th</sup> day of April, 1998, before me personally came the above-named Anup Sircar, who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

Gail M. Bartee  
Notary Public for  
My commission expires:

[SEAL]



10010531.120501